IN THE

Supreme Court of the United States

October Term, 1972

FILED
DEC 1 1972
MICHAEL RODAK, JR., CLERK

No. 72-802

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES; its Commissioner, ABE LAVINE; NEW YORK STATE DEPARTMENT OF INDUSTRIAL RELATIONS; its Commissioner, LOUIS L. LEVINE; ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, GEORGE C. SIPPRELL,

Appellants,

and

ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, JOHN L. LASCARIS,

Intervenors-Appellants,

against

DOLORES DUBLINO, DORIS JIMERSON, VIRGINIA MICHAEL, JANIE LEE PHILLIPS and MARIA MARFOGLIA, on behalf of themselves and their minor children,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

STATEMENT AS TO JURISDICTION on behalf of Appellants, Onondaga County Department of Social Services and its Commissioner, John L. Lascaris.

PHILIP C. PINSKY, ESQ.
Onondaga County Welfare Attorney
Attorney for Intervenors-Appellants, Onondaga County Department of Social Services and its Commissioner, John L. Lascaris
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IN THE

Supreme Court of the United States

October Term, 1972

No.

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES; its Commissioner, ABE LAVINE; NEW YORK STATE DEPARTMENT OF INDUSTRIAL RELATIONS; its Commissioner, LOUIS L. LEVINE; ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, GEORGE C. SIPPRELL,

Appellants,

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ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, JOHN L. LASCARIS,

Intervenors-Appellants,

against

DOLORES DUBLINO, DORIS JIMERSON, VIRGINIA MICHAEL, JANIE LEE PHILLIPS and MARIA MARFOGLIA, on behalf of themselves and their minor children,

Appellees.

On Appeal From the United States District Court for The Western District of New York

---

STATEMENT AS TO JURISDICTION ON BEHALF OF APPELLANTS, ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES AND ITS COMMISSIONER, JOHN L. LASCARIS.

Pursuant to Rules 13(2) and 15 of the Rules of the Supreme Court of the United States, the intervenors-appellants, the Onondaga County Department of Social Services and its Commissioner, John L. Lascaris, file this statement of the basis upon which it is contended that the Supreme

Court of the United States has jurisdiction on direct appeal to review the final judgment in question, and should exercise such jurisdiction in this case.

A separate jurisdictional statement has been filed by appellants New York State Departments of Social Services and Labor and their Commissioners. The appendices to that statement include the opinion of the district court, the final judgment appealed from, and an amendment thereto. Those matters have not been reprinted in this jurisdictional statement and reference is respectfully made thereto.

OPINION BELOW

The statutory three-judge court declared certain New York State statutes and regulations collectively described as the "New York Work Rules" to be in conflict with 42 U.S.C. §602(a) (10) and to be preempted by 42 U.S.C. §§602(a) (19) and 630 et seq. and, therefore, to be unconstitutional under the Supremacy Clause of Article VI of the United States Constitution, insofar as those state statutes and regulations are applied to applicants for and recipients of aid to families with dependent children and aid to families with dependent children--unemployed parent. The judgment enjoined further implementation of the statutes and regulations as to such persons.

JURISDICTION

The appeal herein is from a final judgment made and entered in the United States District Court for the Western District of New York by a specially constituted three-judge panel convened under 28 U.S. Code §§2281 and 2284. The judgment enjoins the implementation of certain state statutes and regulations. The Supreme Court of the United States has jurisdiction to review the final judgment by direct appeal pursuant to 28 U.S. Code §1253.

The final judgment was made and entered August 25, 1972, although there was a minor amendment thereto by order entered October 18, 1972. Notice of appeal on behalf of the intervenors was filed on October 5, 1972 in the United States District Court for the Western District of New York (a copy of which notice is set out in Appendix "A" hereto).

STATUTES INVOLVED

New York State Social Services Law, §131(4), as it read prior to certain 1972 amendments quoted later in this statement, provided:

"4. No assistance or care shall be given to an employable person who has not registered with the nearest local employment agency of the department of labor or has refused to accept employment in which he is able to engage.

"A person shall be deemed to have refused to accept such employment if he:

a. Fails to obtain and file with the social services district at least once in every two-week period a new certificate from the appropriate local employment office of the state department of labor stating that such employment office has no order for an opening in part-time, full-time, temporary or permanent employment in which the applicant is able to engage, or

b. wilfully fails to report for an interview at an employment office with respect to employment when requested to do so by such office, or

c. wilfully fails to report to such office the result of a referral to employment, or

d. wilfully fails to report for employment. Such wilful failures or refusal as above listed shall be reported immediately to the social services district by such employment office.

"For the purposes of this subdivision and subdivision five, a person shall be deemed employable if such person is not rendered unable to work by: illness or significant and substantial incapacitation, either mental or physical, to the extent and of such duration that such illness or incapacitation prevents such person from performing services; advanced age; full-time attendance at school in the case of minor, in accordance with provisions of this chapter; full-time, satisfactory participation in an approved program of vocational training or rehabilitation; the need of such person to provide full-time care for other members of such person's household who are wholly incapacitated, or who are children, and for whom required care is not otherwise reasonably available, notwithstanding diligent efforts by such person to obtain others to provide such care. A person assigned to and participating in a public works project under the provisions of section one hundred sixty-four or three hundred fifty-k of this chapter shall be deemed to be employable but not employed.

"Every employable recipient of public assistance or person who is deemed not to be employable by reason of full-time satisfactory participation in an approved program of vocational training or rehabilitation shall receive his public assistance grants and allowances in person from the division of employment of the state department of labor, in accordance with regulations of the department."

QUESTION PRESENTED

Did Congress intend the federal Work Incentive Program to be the only program applicable to recipients of AFDC and AFDC-U, and to preempt state programs and requirements for work referral of persons either not eligible for referral under the WIN Program or for whom there are no employment or training positions available under the federal program?

STATEMENT OF THE CASE

Plaintiffs, suing on behalf of themselves and their minor children, have obtained an injunction precluding the State of New York and each of its more than 60 local social services districts from requiring applicants for and recipients of aid to families with dependent children (AFDC) and aid for families with dependent children--unemployed fathers (AFDC-U) to comply with a work referral program adopted by the State of New York in 1971. The sole issue is whether the federal work incentive program (WIN) preempted the state's work referral program.

The substantial nature of the state program and the very limited nature of the federal program are discussed at length in the jurisdictional statement filed by the state appellants. However, a few additional comments may be noted.

1. The court below enjoined the application of the state work rules to the AFDC-U Program in spite of the fact that 42 U.S. Code §607(b) requires a state plan for such program to preclude assistance to any father who "has not without good cause, within such period (of not less than 30 days) as may be prescribed by the Secretary, refused a bona fide offer of employment or training for employment" and notwithstanding that a report of the Senate Committee on Finance (87th Cong., 1st Sess., p. 3 (1961) stated:

> Your committee's bill, as does the House-passed bill requires that a State agency administering the expanded aid to dependent children program must enter into cooperative arrangements with the State agency administering the public employment offices looking toward the employment of the unemployed parents of the children receiving aid. The arrangements which the State public assistance agency will need to have with the employment service must include provisions for appropriate registration for

work and periodic reregistration of the unemployed parent of a child and for otherwise making maximum utilization of the job placement services and other services and facilities of the employment office. The purpose of this provision is, so far as possible, to secure employment for the unemployed person in any jobs that may be available which there is not good cause for him to refuse as determined by the State.

Your committee believes that an unemployed individual whose family is receiving aid under this program should accept any reasonable offer of employment. Accordingly, the bill would require that a State plan include provisions to assure that aid is not provided if, and for as long as, the unemployed parent refuses without good cause to accept employment in which he is able to engage. Considerable latitude would be left to the State in determining the period during which assistance would be denied. It is not intended to permanently disqualify the family during subsequent periods when no offer of employment is available. The state would determine whether the parent had good cause for refusing an offer of employment.

2. Congress knew that under 42 U.S.C. §632(a), the Secretary of Labor would establish work incentive programs only in those state political subdivisions in which the Secretary determined "there is a significant number of individuals who have attained age 16 and are receiving aid to families with dependent children" and that "in other political subdivisions, he [the Secretary of Labor] shall use his best efforts to provide such programs either within such subdivisions or through the provision of transportation for such persons to political subdivisions of the State in which such programs are established." In New York State, the WIN Program was established by the Secretary of Labor in only 12 of the state's 64 social services districts. The Secretary refused to authorize additional WIN

Programs in the other districts. Adequate transportation is not available to enable recipients in districts without WIN Programs to travel to one of the 12 available programs. Yet, the district court's judgment precludes the state from implementing its work referral program even in those districts in which there is no WIN Program in operation.

3. The 12 WIN Programs in operation in the State of New York are only authorized to service 16,800 persons. Yet, there are an estimated 75,000 registered AFDC recipients who are potential WIN participants but who cannot be served because the WIN Program does not have capacity to accommodate them. Yet the district court's judgment precludes the state from requiring these other recipients not enrolled in and participating in the WIN Program from being required to comply with another work referral program.

4. The opinion of the court below noted that "Under WIN, the recipient is entitled to a hearing, prior to referral, on the issue of appropriateness for referral." (State appellants' Appendix, p. 26). But the state's practices afforded a fair hearing on the issue of employability under the state referral program, as the court noted in its opinion (State appellants' Appendix, pp. 32-33). A recipient may test the correctness of his classification as an employable person without first being discontinued from public assistance. There is no substantial conflict, then, in this regard between WIN Program and the state's program.

5. The court below noted that "As an incentive, WIN enrollees in assessing their welfare needs are permitted to disregard the first $30.00 of their monthly earned income and one-third of the remainder." (State appellants' Appendix, p. 26). But all earned income of AFDC recipients is subject to the so-called 30 and one-third exemption under the state's regulations. 18 N.Y.C.R.R., §352.20 (b) (2).

6. The court below noted that "Adequate child care must be assured for working mothers as a precondition of

WIN referral." (State appellants' Appendix, p. 26). But the state's program contains virtually identical assurances of adequate child care in 18 N.Y.C.R.R., §385.3(b) (3). A 1972 amendment to §131, subdivision 4 of the State Social Services Law provides:

> "For the purposes of this subdivision and subdivision five, a person receiving or applying for aid to dependent children shall be deemed employable in accordance with the provisions of section three hundred fifty-e of this chapter, except that a mother who is unable to work by her need to provide full-time care for her children, and for whom required care is not otherwise reasonably available notwithstanding diligent efforts by such mother and appropriate social services department to provide such care shall not be deemed employable." (Chapter 941 of the Laws of 1972).

7. The court below noted that "Compulsory referral of the aged, or those required at home for other reasons, is prohibited" (State appellants' Appendix, p. 26). But the state statute and state regulations contain similar exemptions. 18 N.Y.C.R.R., §385.1(a); State Social Services Law, §131, subdivision 4.

8. The court below held that "in contrast to the complex WIN referral procedures, with the use of appropriateness determinations, employability teams, and personal development plans, the screening procedures of the Work Rules are substantially less elaborate." (State appellants' Appendix, pp. 26-27). The court noted that one study of the state's program had found over 67% of a sample of persons to have been improperly referred to the state employment service because they were in fact unemployable. The short answer is that the state required its local social services districts to implement the new Work Rules Program in 1971 on very short notice of less than a month; and it is not surprising that administrative errors may have occurred in some local social services districts.

But those errors were remedied when they were discovered or when the welfare recipients complained. In other cases, temporary restraining orders as to such persons were obtained by the plaintiffs in this proceeding and the local districts were not even afforded an opportunity to take other action on those cases. In any event, the initial administrative burden of implementing the Work Rules as to tens of thousands of recipients was overcome and there is no substantial reason why any initial administrative errors in some localities should form a basis for permanently enjoining the operation of the entire state program for all time.

9. The State of New York clearly represented to the court below, through the testimony of several witnesses, that persons eligible for and referrable to WIN must be referred to the WIN Program wherever there were WIN slots available for them and that in such cases the state program would not supersede the WIN Program. The state makes the same representations on page 14 of its jurisdictional statement in this court. A new state law enacted by the 1972 State Legislature, chapter 941 of the Laws of 1972, amended §131, subdivision 4 of the State Social Services Law to provide that:

> "Notwithstanding §350-e or any other provision of this chapter, the provisions of this subdivision shall apply to applicants for or recipients of aid to dependent children until such time as they are enrolled and participating in the Work Incentive Program."

10. The effect of the judgment below is to authorize thousands of AFDC recipients in the State of New York who are clearly employable persons, with adequate child care plans, to refused available employment, and, indeed, apparently even to quit existing employment, to sit idle without any good cause and collect public assistance. Such a result is so contrary to the interests of the taxpayers of

this country that it should be reviewed by the Supreme Court and such a result should be rejected. There can be no stronger case for applying the well settled principle that state legislation will not be preempted by federal statutes unless Congress has clearly, expressly and unequivocally indicated its intent to do so. It is respectfully submitted that neither the opinion below nor the opinion of the Virginia District Court in Woolfolk vs. Brown, 325 F. Supp. 1162, Aff'd 456 F.2d 652 (4th Cir. 1972), contains sufficient justification to warrant such findings of federal preemption.

There can be no doubt that the question presented to the court is very substantial, affecting, as it does, the operation of the largest single public assistance program in the State of New York. One cannot imagine any legal question involving the interpretation of the federal welfare laws that could be any more important.

CONCLUSION

The court should take jurisdiction of this appeal.

DATED: December 1, 1972.

Respectfully submitted,

PHILIP C. PINSKY, ESQ.
Onondaga County Welfare Attorney
Attorney for Intervenors-Appellants, Onondaga County Department of Social Services and its Commissioner, John L. Lascaris
600 South State Street
Syracuse, New York 13202
Tel.: (315) 477-7125

APPENDIX A — Notice of Appeal.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOLORES DUBLINO, DORIS JIMERSON, VIRGINIA MICHAEL, JANIE LEE PHILLIPS, and MARIA MARFOGLIA, on behalf of themselves and their minor children,

Plaintiffs

-against-

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES; its Commissioner, GEORGE K. WYMAN; NEW YORK STATE DEPARTMENT OF INDUSTRIAL RELATIONS; its Commissioner, LOUIS J. LEVINE; ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, GEORGE G. SIPPRELL,

Defendants

and

ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, JOHN L. LASCARIS,

Defendant-Intervenors.

71 Civ. - 306

Notice is hereby given that the Onondaga County Department of Social Services and its Commissioner, John L. Lascaris, Defendant-Intervenors above named, hereby appeal to the Supreme Court of the United States from the final order and judgment entered in this action on August 25, 1972, holding New York Social Services Law, §§131(4) and 350-k, and the Rules of the Department of Social Services adopted pursuant thereto to be in conflict with Section 402(a) (10) of the Social Security Act of 1935, as amended, 42 U.S.C. §602(a) (10), and to be preempted by sections 402 (a)19) and 430 et seq. of the Social Security Act of 1935, as amended, 42 U.S.C. §§602(a) (19) and 630 et seq. and to be unconstitutional under the Supremacy Clause of Article VI of the Constitution of the United States, insofar as they

are applied to applicants for or recipients of Aid to Families with Dependent Children, and dismissing plaintiffs' First, Second, and Third Causes of Action. Defendant-Intervenors appeal from each and every part of said order and judgment, except that part thereof which dismissed plaintiffs' First, Second and Third Causes of Action.

This appeal is taken pursuant to 28 U.S.C. §1253.

Dated: Syracuse, New York
October 2, 1972.

PHILIP C. PINSKY
Onondaga County Welfare Attorney
Attorney for Defendant-Intervenors
Office and P.O. Address
600 South State Street
Syracuse, New York 13202
(315) 477-7125

TO:

JOHN K. ADAMS, Clerk
United States District Court
United States Court House
Niagara Square
Buffalo, New York 14202

MICHAEL A. O'CONNOR, ESQ.
Attorney for Plaintiffs
Legal Aid Bureau of Buffalo, Inc.
481 Swan Street
Buffalo, New York 14204

DENNIS R. YEAGER, ESQ.
Attorney for Plaintiffs
423 West 118th Street
New York, New York 10027

Appendix A — Notice of Appeal.

TO:

LOUIS J. LEFKOWITZ, Attorney General
of the State of New York
BY: JEAN M. COON, Assistant Solicitor Gen.
Attorney for Defendant
State Departments and
State Officers
Department of Law
The Capitol
Albany, New York 12224

GREGORY STAMM, ESQ.
Attorney for Defendant, Erie County
25 Delaware Avenue
Buffalo, New York 14202

FILED
DEC 13 1972
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1972

No. 72-792

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES; its Commissioner, ABE LAVINE: NEW YORK STATE DEPARTMENT OF INDUSTRIAL RELATIONS; its Commissioner, LOUIS L. LEVINE: ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, GEORGE C. SIPPRELL,

Appellants,

and

ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, JOHN L. LASCARIS,

Intervenors-Appellants,

against

DOLORES DUBLINO, DORIS JIMERSON, VIRGINIA MICHAEL, JANIE LEE PHILLIPS and MARIA MARFOGLIA, on behalf of themselves and their minor children,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

SUPPLEMENTAL STATEMENT AS TO JURISDICTION ON BEHALF OF APPELLANTS NEW YORK STATE DEPARTMENTS OF SOCIAL SERVICES AND LABOR AND THEIR COMMISSIONERS

LOUIS J. LEFKOWITZ
Attorney General of the State of New York
Attorney for Appellants
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Telephone (518) 474-7138

RUTH KESSLER TOCH
Solicitor General

JEAN M. COON
Assistant Solicitor General

of Counsel

BATAVIA TIMES, LAW PRINTERS,
BATAVIA, N. Y.

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Exhibit A-2—Letter, dated November 20, 1972, from Louis J. Lefkowitz, Attorney General, to Dennis R. Yeager, Esq. 6

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IN THE

Supreme Court of the United States

October Term, 1972

No. 72-792

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES; its Commissioner, ABE LAVINE; NEW YORK STATE DEPARTMENT OF INDUSTRIAL RELATIONS; its Commissioner, LOUIS L. LEVINE; ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, GEORGE C. SIPPRELL,

Appellants,

and

ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES and its Commissioner, JOHN L. LASCARIS,

Intervenors-Appellants,

against

DOLORES DUBLINO, DORIS JIMERSON, VIRGINIA MICHAEL, JANIE LEE PHILLIPS and MARIA MARFOGLIA, on behalf of themselves and their minor children,

Appellees.

On Appeal from the United States District Court for the Western District of New York

SUPPLEMENTAL STATEMENT AS TO JURISDICTION ON BEHALF OF APPELLANTS NEW YORK STATE DEPARTMENTS OF SOCIAL SERVICES AND LABOR AND THEIR COMMISSIONERS

The Notice of Appeal in this case was filed in the office of the Clerk of the United States District Court for the Western District of New York on the 28th day of September, 1972. The Jurisdictional Statement herein was not filed until November 29, 1972. This Supplemental Statement as to Jurisdiction is submitted to this Court in support of appellants' position that the original statement should be considered by this Court as timely filed or, in the alternative that this Court should extend the time for filing until November 29.

The Statement as to Jurisdiction on behalf of the State appellants was received in the Department of Law, from our printer, on November 20, 1972. On that date, three copies of the statement were served on counsel for the plaintiffs and for each of the other appellants (See Exhibits A-1, A-2, A-3 and A-4 attached hereto). On the same date, a check for the docketing fee was requested and received from the Finance Officer of the New York State Department of Law (see Exhibit B attached hereto). Also on November 20, our Managing Attorney addressed a letter to the Clerk of the Supreme Court of the United States forwarding the Jurisdictional Statement for filing and enclosing the docket fee and notice of appearance, along with an affidavit of service of copies of the Statement upon the other attorneys.

On the morning of November 21, 1972, a package containing the above stated items, along with the statements, letter, etc. in connection with another case (*Nyquist* v. *Committee for Public Education and Religious Liberty*, 72-791) was delivered to United Parcel Service for delivery to this Court. United Parcel Service has generally proved to be faster and more reliable for prompt delivery than has the United States Postal Service and has been so utilized, without difficulty, by this office for several years.

It was expected that, considering past performance by UPS, the package would be delivered to this Court no later than November 24, 1972 (considering possible delays in transhipping out of New York City and the Thanksgiving Holiday), still within the 60-day time limit for filing the Statement pursuant to the Rules of this Court.

An article carried by Gannett News Service papers on the evening of November 28, concerning the filing of a jurisdictional statement by other appellants in the *Nyquist* case (the other case transmitted to the Court with this case), prompted an inquiry of the Court on the morning of November 29 to determine if New York State's Statement as to Jurisdiction in *Nyquist* had been filed. Upon discovering at that time that neither Statement had yet been received by the Court, an immediate inquiry was made of United Parcel Service as to the disposition of the package delivered to it on November 21. Although no explanation has been provided to the Department of Law as to the reason for the delay, United Parcel then delivered the package to the Court on November 29 and both appeals docketed as of that date.

Every reasonable effort was made by the State of New York to comply with the Rules of this Court as to the time for docketing appeals. At the time of transmittal of the Statement, the Department of Law had no reason to believe that the Statement would not be promptly and timely delivered to the Court for docketing.

It should also be noted that the plaintiffs in the action, by notice of appeal received on October 24, 1972, have appealed from that part of the judgment of the District Court which dismissed those portions of the complaint which alleged that the New York Work Rules violate the Thirteenth and Fourteenth Amendments to the Constitution of the United States. Defendants Erie County Depart-

ment of Social Services and Onondaga County Department of Social Services have also appealed from the same portion of the judgment as have the State defendants. The Jurisdictional Statement on behalf of Onondaga County has been filed with this Court and adopts and supplements the Jurisdictional Statement filed on behalf of the State defendants. A consideration of the arguments as to jurisdiction contained in the Statement on behalf of the State defendants will, therefore, be necessary in order for this Court to consider the arguments as to jurisdiction raised by Onondaga County.

It is respectfully submitted that this Court should consider the Statement as to Jurisdiction on behalf of the State defendants to have been timely filed, or, in the alternative, those defendants respectfully request that this Court extend the time to file from November 27, 1972 to November 29, 1972.

Dated: December 11, 1972.

Respectfully submitted,

LOUIS J. LEFKOWITZ
Attorney General of the State
of New York
Attorney for Appellants New York State Departments of Social Services and Labor and their Commissioners
The Capitol
Albany, New York 12224
Telephone (518) 474-7138

RUTH KESSLER TOCH
Solicitor General

JEAN M. COON
Assistant Solicitor General

of Counsel

Exhibit A-1

Telephone: 474-5240

November 20, 1972

Re: N. Y. S. Dept. of Social Services, *et al.* vs. Dolores Dublino, *et al.*

Michael A. O'Connor, Esq.
Legal Aid Bureau of Buffalo, Inc.
481 Swan Street
Buffalo, New York 14204

Dear Mr. O'Connor

Served herewith are three copies of our Statement As To Jurisdiction in the above matter now pending in the Supreme Court of the United States.

LOUIS J. LEFKOWITZ
Attorney General

By: MARC F. BOYER
Managing Attorney

Encl.
cp

Exhibit A-2

Telephone: 474-5240

November 20, 1972

Re: N. Y. S. Dept. of Social Services, *et al.* vs. Dolores Dublino, *et al.*

Dennis R. Yeager, Esq.
423 West 118th Street
New York, New York 10027

Dear Mr. Yeager

Served herewith are three copies of our Statement As To Jurisdiction in the above matter now pending in the Supreme Court of the United States.

Very truly yours,

LOUIS J. LEFKOWITZ
Attorney General

By: MARC F. BOYER
Managing Attorney

Enc.
cp

Exhibit A-3

Telephone: 474-5240

November 20, 1972

Re: N. Y. S. Dept. of Social Services, *et al.* vs. Dolores Dublino, *et al.*

Gregory Stamm, Esq.
25 Delaware Avenue
Buffalo, New York 14202

Dear Mr. Stamm

Served herewith are three copies of our Statement As To Jurisdiction in the above matter now pending in the Supreme Court of the United States.

LOUIS J. LEFKOWITZ
Attorney General

By: MARC F. BOYER
Managing Attorney

Enc.
ep

Exhibit A-4

Telephone: 474-5240

November 20, 1972

Re: N. Y. S. Dept. of Social Services, *et al.* vs. Dolores Dublino, *et al.*

Philip Pinsky, Esq.
600 South State Street
Syracuse, New York 13202

Dear Mr. Pinsky

Served herewith are three copies of our Statement As To Jurisdiction in the above matter now pending in the Supreme Court of the United States.

LOUIS J. LEFKOWITZ
Attorney General

By: MARC F. BOYER
Managing Attorney

Enc.
cp

Exhibit B

MEMORANDUM

For: Julie Tkach
From: Marc F. Boyer

Re: N. Y. S. Dept. of Social Services, *et al.* vs. Dolores Dublino
Ewald B. Nyquist, *et al.* vs. Committee for Public Education and Religious Liberty, *et al.*

Please give us two $100 checks payable to the United States Supreme Court as a filing fee in the above matters.

Dated November 20, 1972.

Exhibit C

November 20, 1972

Re: Ewald B. Nyquist, *et al.* vs. Committee for Education and Religious Liberty, *et al.*

Hon. E. Robert Seaver
Clerk of the Supreme Court
of the U. S.
U. S. Supreme Court Building
Washington, D. C. 20543

Dear Mr. Seaver:

Filed herewith are 40 copies of Statement as to Jurisdiction together with a $100 check and Appearance Form with Affidavit of Service.

Very truly yours,

LOUIS J. LEFKOWITZ
Attorney General

By: MARC F. BOYER
Managing Attorney

MFB/bh